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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/945,540 | 08/29/2001 | John Raymond Arthur | DEE6270P0180US | 1886 |

7590

05/28/2004

The Law Office of Randall T. Erickson, P.C.
425 W. Wesley St. Suite 1
Wheaton, IL 60187

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| EXAMINER |
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PEDDER, DENNIS H

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| ART UNIT | PAPER NUMBER |
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3612

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,540

Applicant(s)

ARTHUR ET AL.

Examiner

Dennis H. Pedder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 and 25-34 is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-18 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-14, 16, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steyer et al. in view of Weiss et al. and Taylor.

Steyer et al. discloses a tractor with a metal cab frame 7 supported on a top side of a contoured metal floor panel 5 that incorporates fender structures at lateral sides thereof above panel segment 4.

Weiss et al. teaches that both floor 3 and cab frame 2a,2b of a tractor are supported on a chassis 1. Such a design is not only admitted by applicant, but desirable for strength.

Taylor discloses a utility vehicle with chassis and integral floor and fender structure 1 comprising a reinforced composite plastic material. The fender structures are seen to the

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outside of seating platform 7. For applicant's edification, the term "integral" is not limited to --one-piece--, but joined.

It would have been obvious to one of ordinary skill to provide in Steyer et al. a cab floor and cab frame mounted on a chassis as taught by Weiss et al. and a cab floor made of plastic material as taught by Taylor in order to reduce weight and corrosion of the floor and a cab frame of steel for its inherent strength.

As to claim 4, Taylor has two such platforms.

As to claim 5, see foot areas 3 and rail portions formed by a bent section of the floor along the seating platforms, extending into the foot areas.

As to claim 6, reinforced body portions for interface with isolation mounts are common knowledge in the art.

Applicant may seasonally challenge, for the official record in this application, this and any other statement of judicial notice in timely manner in response to this office action. Please specify the exact statement to be challenged. Applicant is reminded, with respect to the specific challenge put forth, of the duty of disclosure under Rule 56 to disclose material which is pertinent to patentability including claim rejections challenged by applicant.

As to claim 7, see deck region 11, and rear wall to the rear of section 2.

As to claim 11, Taylor uses upper and lower layers of resin with a fiberglass layer sandwiched therebetween.

As to claim 12, Taylor molds a polyurethane layer atop the resin.

As to claim 13, see integral features 8 of Steyer et al..

As to claim 14, Taylor has features 5,6 for controls and steering column and surface 3 as step. Battery and fuel tank mounts are common knowledge in this art and not the proper subject for a patentable distinction.

As to claim 16, see recessed area 14, useful for whatever is desired to be stored.

As to claim 22, Taylor has raised features at 11, for mounting of controls such as a shift lever.

As to claims 23-24, these features are of common knowledge in the art, obvious to use here for their known advantages.

As to claims 3, 8-10, "RIM" is deemed to be a process step, not given patentable weight in a product claim (MPEP 2113).

As to claim 8, the upper layers of Taylor are composite plastic.

As to claim 13, see integral features at 8 in Steyer et al..

- I. Claims 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steyer et al. in view of Weiss et al. and Taylor as applied to claim 1 above and further in view of Bonnett et al..

It would have been obvious to one of ordinary skill in the art to provide in the references listed an extended fender reinforcement to extend across the sill for mounting carpet or flooring material and sealing as door as taught by Bonnett et al. in order to seal door and window.

Allowable Subject Matter

4. Claims 19-21, 25-34 are allowed.

Response to Arguments

5. Applicant's arguments filed 5/17/2004 have been fully considered but they are not persuasive. The rejection of record, now modified in view of applicant's amendments, does not incorporate the floor of Taylor literally, but firstly uses the teaching of Taylor to make such a floor of resin material in the environment of Steyer et al., deemed an obvious expedient, and latter uses the specific teachings of Taylor as to how to configure such a floor.

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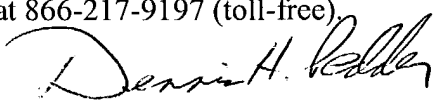
Applicant's arguments regarding no penetration of the floor are noted, but not reflected in the claims and therefore not persuasive. Further, it is known in this art that materials for a vehicle can be adhered together.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (703) 308-2178.

The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dennis H. Pedder
Primary Examiner
Art Unit 3612

5/25/04

DHP